

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 1:06cr197-MEF
)	
RODERICK CHARLES MELVIN)	

UNITED STATES'S UNOPPOSED MOTION TO CONTINUE TRIAL

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle of Alabama, and requests a continuance of the trial of Roderick Charles Melvin, and as grounds states the following:

1. The Recommendation of the Magistrate filed on November 14, 2006, (Doc. 18) is presently pending before this Honorable Court.
2. On this date, November 20, 2006, the United States has requested an extension of time in order to acquire a transcript of the evidentiary hearing before filing an objection to the Recommendation. (Doc.19-1). The transcript has been requested.
3. The United States has contacted defense counsel Kevin L. Butler regarding the motion to continue the trial. Counsel Butler verbally informed the undersigned counsel that he must file a motion to withdraw as counsel for Roderick Charles Melvin because of a conflict. A panel counsel will have to be appointed to represent Defendant Melvin.
4. The trial of this case is presently scheduled to commence on November 27, 2006. The panel attorney is not likely to be appointed before Wednesday, November 22, 2006, and will unlikely be prepared to proceed to trial on November 27, 2006.
5. Therefore, the United States requests a continuance of this trial to allow the extension of time in which the government must file its objection of the Recommendation of the Magistrate

Judge. In addition, based upon the newly discovered conflict of Kevin L. Butler's representation and the need to appoint another counsel to represent Defendant Melvin, it would be in the interest of justice to continue the trial of this case. Moreover, the defendant will not be prejudiced by a continuance of this case.

Respectfully submitted on this 20th day of November 2006.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/Tommie Brown Hardwick
TOMMIE BROWN HARDWICK
One Court Square, Suite 201
Montgomery, AL 36104
Phone: (334) 223-7280
Fax: (334) 223-7135
E-mail: tommie.hardwick@usdoj.gov
ASB4152 W86T

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 1:06cr197-MEF
)	
RODERICK CHARLES MELVIN)	

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Kevin L. Butler, Esq.

Respectfully submitted,

/s/Tommie Brown Hardwick
TOMMIE BROWN HARDWICK
One Court Square, Suite 201
Montgomery, AL 36104
Phone: (334)223-7280
Fax: (334)223-7135
E-mail: tommie.hardwick@usdoj.gov
ASB4152 W86T